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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,088	11/02/2005	Francois Le Maner	Q86740	8303
23373 7590 09/29/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER TYLER, STEPHANIE E				
ART UNIT		PAPER NUMBER		
3754				
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09/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,088

Applicant(s)

LE MANER, FRANCOIS

Examiner

STEPHANIE E. TYLER

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 4/21/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both fluid dispenser member and stiffener means member. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In particular for having claim terms such "said". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1,10,15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the limitation recites "the neck" in line 3 (of claim 1); there is insufficient antecedent basis for this limitation in the claim.

Regarding claims 1 and 15, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d). Regarding claim 10, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8,10-13,15 are rejected under 35 U.S.C. 102(b) as being anticipated by Scherb (GB 857,189).

Scherb reference discloses a fastener element (upper part 30) for fastening a fluid dispenser member (43,43a,43b,31,39), included a pump or a valve, on a fluid reservoir (7), the fastener element (upper part 30) including a deformable snap-fastener portion (30) for snap-fastening on the neck (upper cylindrical part of 7) of the reservoir (7), the fastener element being characterized in that stiffener means (51) are provided in the snap-fastener portion (30) for substantially preventing the snap-fastener portion (30) from deforming after snap-fastening; and wherein the snap-fastener portion (30) includes a lateral skirt of the fastener element (upper part 30), and a projection (92) projecting radially inwards from the inside wall of the lateral skirt; and wherein the stiffener means (51) is embedded in the snap-fastener portion (30); and wherein in the stiffener means (51) consists of one rigid and/or resilient element extend around the periphery of the snap-fastener portion (30); and wherein the stiffener means (51) include at least one substantially rigid and/or resilient circular insert; and wherein the inside diameter of the at least one circular insert (51) is not less than the outside diameter of the neck (upper cylindrical part of 7) of the reservoir (7); and wherein the circular insert (51) is a metal material; and wherein the wire (51) includes a plurality of turns; and wherein a dispenser member (43,43a,43b,31,39), including a pump or a valve, mounted on a fluid reservoir (7) by means of a fastener element (upper part 30);

and wherein the circular insert (51) is made as a single part; and wherein the fastener element is a snap-fastenable ring (upper part 30; 30) for fastening a pump (see fig.5, 31,64,68,67,75) on a neck (upper cylindrical part of 7) of a reservoir (7), the ring (upper part 30; 30) being made integrally with pump-receiver means (shoulder of 30; see fig.5) co-operating with the pump body (68,67,75), and a ferrule portion (inner-upper portion of 30 in contact with element 31 of pump assembly; see fig.5) extending inside the pump body (68,67,75) so as to define the rest position of the pump (see fig.5, 31,64,68,67,75) wherein the snap-fastenable ring (upper part 30; 30) is made from a single plastics material (see pg.2, col.1; lines 22,23).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherb (GB 857,189).

In regards to claim 9, the fastener element having the circular insert constituted by a plurality of insert sections is a design choice based upon the needs of the consumer and/or manufacturer that will be operating the fastener element along with the fluid dispenser. Having the circular insert in a plurality of sections or as a single piece

does not affect the utility of the apparatus; and therefore fails to be patentably define over the prior art.

In regards to claim 14, the fastener element having the snap-fastenable ring made from a plurality of different plastics materials is a design choice based upon the needs of the consumer and/or manufacturer that will be operating the fastener element along with the fluid dispenser. Having the snap-fastenable ring made from a plurality of different plastics materials does not affect the utility of the apparatus; and therefore fails to be patentably define over the prior art.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Waalkes et al. (3,065,002), Bambenek et al. (4,462,620), Orchard (4,511,164), Williamson et al. (6,000,729), Okuda et al. (5,593,187), and Petersen et al. (5,979,946) are other various types snap ring and fastener configurations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE E. TYLER whose telephone number is (571)272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. E. T./
Examiner, Art Unit 3754

/Kevin P. Shaver/
Supervisory Patent Examiner, Art Unit 3754